

FORD & HUFF LC
ATTORNEYS AT LAW

September 20, 2022

Hon. Katherine Polk Failla
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: Extension of Fact Discovery
Stephen Gannon v. 265 W. 37th Street LLC, et al.
Case # 22-cv-1678

Dear Judge Failla,

This law firm represents Plaintiff Stephen Gannon ("Plaintiff") in this action. This letter is filed jointly with Amanda Maguire, counsel to 75 & 81 Orchard Associates LLC and Joseph Altman, counsel to No Idols NYC LLC.

We just concluded this morning a call with Mary Austin, the Court appointed mediator assisting us with this case. The earliest mutually agreeable time for the mediation, the date for which it is now scheduled, is either November 2 or November 8, 2022 (depending on client availability). The parties hope that the mediation will be successful.

Under the Case Management Plan and Scheduling Order governing our case, (Dkt. No. 16) our fact discovery ends on October 21, 2022, prior to the mediation.

As this is an ADA compliance case, the only monetary component of the case is expected to be attorney's fees. In order to keep these fees to a minimum, the parties have not yet begun meaningful fact discovery. The Defendants are investigating the feasibility of putting in a permanent ramp at the subject location but have not agreed at this point to do so. The parties believe that it is in the best interests of all, and in the interest of judicial economy, to

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allow this investigation to continue and the mediation to be held prior to engaging in extensive fact discovery or the Plaintiff retaining experts.

For this purpose, the Parties request that the Court extend the deadline for fact discovery from October 21, 2022, to January 22, 2022 and expert discovery from December 5, 2022, to March 5, 2022, with all other discovery deadlines in the Scheduling Order also pushed back 90 days. The parties originally contemplated a shorter extension, but 60 days would put the end of fact discovery right during Hanukkah and only four days prior to Christmas.

The Parties also note that Ms. Maguire is expecting a new child in November and such an extension is more likely to allow her to represent her client without needing to substitute in other counsel.

We thank the court for its attention in this matter.

Respectfully Submitted,



Adam Ford

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cc: All Counsel of Record (via ECF)